

REMARKS

Reconsideration is requested for claims 30-60.

Claims 30, 32, 34-38, 59, and 60 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,416,899 to *Wariishi et al.* Claims 31, 33, 39-43, and 47-51 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Wariishi et al.* in view of U.S. Patent No. 6,458,479 to *Ren et al.* Claims 44-46 and 53-57 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Wariishi et al.* in view of *Ren et al.* and U.S. Patent No. 6,296,964 to *Ren et al.* (Ren '964). Claim 52 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Wariishi et al.* in view of *Ren et al.* and U.S. Patent No. 5,240,785 to *Okamura et al.* Claim 58 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Wariishi et al.* in view of *Ren et al.*, *Ren et al.* '964, and *Okamura et al.*

Claim 30, from which claims 31-60 depend, has been amended and defines a fuel cell comprising an electrolyte provided with electrodes in the form of an anode and a cathode on opposite sides of the electrolyte, and a system of flow ducts arranged so as to bring a first flow containing a first reactant into contact with an anode active surface and to bring a second flow containing a second reactant into contact with a cathode active surface, wherein the system of flow ducts comprises a distribution arrangement adapted to distribute a flow incoming to a cell space at least partially defined by at least one of the anode active surface and the cathode active surface uniformly over an inlet region which extends along the at least one of the anode active surface and the cathode active surface, and wherein the system of flow ducts comprises a collecting arrangement adapted to allow a flow outgoing from the cell space to leave the cell space within an outlet region separate from the inlet region, wherein at least one of the inlet

region and the outlet region extends along at least approximately half of an extent of the at least one of the anode active surface and the cathode active surface.

The claimed combination of features offers various advantages, including facilitating complete usage of the active surface one or both of the anode and cathode by providing for uniform flow over a large area of the active surface.

Wariishi et al. does not disclose the claimed combination of features. In the Official Action, *Wariishi et al.* was combined with *Ren et al.* in rejecting, *inter alia*, claims 31 and 33, which recite subject matter similar to that added to claim 30. *Wariishi et al.* discloses a conventional fuel cell stack in which reactants are distributed over the fuel cell surface by meandering flow channels. Persons skilled in the art use distribution channels as disclosed in *Wariishi et al.* to direct flow and thereby ensure that forced fuel flow is homogeneously distributed over the active surface and does not stream straight to the outlet.

Ren et al., by contrast, involves a passive fuel cell. In such a fuel cell, a defined inlet region and a defined outlet region is not necessary. It cannot properly be said that an "inlet region" extends along at least approximately half of an active surface because fuel constantly flows to and from the active surface at all points. Such a disclosure has no relevance to the directed flow device of *Wariishi et al.* the combination could not reasonably be considered to involve substituting one known element for another or combining elements to produce predictable results, and there is no reasonable expectation of success through the combination. It is respectfully submitted that one skilled in the art would not have modified *Wariishi et al.* in view of *Ren et al.* because the reason for the open space at the active surface in *Ren et al.* is inapplicable to the device of *Wariishi et al.*

At least because one skilled in the art would not have modified *Wariishi et al.* in view of *Ren et al.* as asserted in the Official Action, it is respectfully submitted that claim 30 and the claims dependent therefrom define patentably over *Wariishi et al.* in view of *Ren et al.* The other applied art does not cure the defects of *Wariishi et al.* in view of *Ren et al.* and it is respectfully submitted that claim 30 and the claims dependent therefrom define patentably over *Wariishi et al.* in view of *Ren et al.* and the other applied art.

It is respectfully submitted that all of the pending claims, claims 30-60, are in condition for allowance. Allowance is cordially urged.

To the extent that any extensions of time are necessary in connection with this application it is requested that there be a standing petition for extension of time and that any additional fees that are required, or refunds due, in connection with this or any other paper filed in connection with this application be charged to Deposit Account 503015.

If a telephone conference would be helpful in resolving any outstanding issues, please contact the undersigned.

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Respectfully submitted,

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